

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 01, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOHN JOSEPH LEE,

Plaintiff,

v.

OZZIE KNEZOVICH, SPOKANE
COUNTY COMMISSIONERS, and
SPOKANE VALLEY POLICE
DEPARTMENT,

Defendants.

NO: 2:20-CV-2-RMP

ORDER DISMISSING ACTION FOR
FAILURE TO COMPLY WITH
FILING FEE REQUIREMENTS

By Order filed March 31, 2020, the Court directed Plaintiff to submit a completed application to proceed *in forma pauperis* and to submit a certified copy of his six-month inmate trust account statement (or institutional equivalent) for the period immediately preceding January 2, 2020 within twenty one days of the date of that Order. ECF No. 3. In the alternative, Plaintiff was advised he could pay the full \$400.00 filing fee. *Id.* Plaintiff was cautioned that his failure to do so would result in the dismissal of this case. *Id.* Plaintiff has neither paid the filing fee nor returned the application to proceed *in forma pauperis* along with his six-month inmate trust

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FEE REQUIREMENTS -- 1

1 account statement (or institutional equivalent) by the due date of April 21, 2020.

2 A copy of this Order was mailed to Plaintiff at Spokane County Detention
3 Services and returned as undeliverable on April 8, 2020, with the notation, "Not in
4 jail." ECF No. 4. Plaintiff has not kept the Court apprised of his current address
5 and has filed nothing further in this action.

6 Parties filing actions in the United States District Court are required to pay
7 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate
8 payment of a filing fee only upon granting of *in forma pauperis* status. *See* 28
9 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal of
10 these actions without prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th
11 Cir. 1995) (district court has authority to dismiss without prejudice prisoner
12 complaint for failure to pay partial filing fee); *In re Perroton*, 958 F.2d 889, 890
13 (9th Cir. 1992) (affirming dismissal of appeal of pro se litigant for failure to pay
14 required filing fees).

15 Accordingly, **IT IS ORDERED** that this action is **DISMISSED** without
16 prejudice for failing to pay the filing fee or filing a properly completed Application
17 to Proceed *In Forma Pauperis* pursuant to 28 U.S.C. §§ 1914(a) and 1915(a).

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IT IS SO ORDERED. The District Court Clerk is directed to enter this Order, enter judgment, forward copies to Plaintiff at the address provided, and **CLOSE** the file.

DATED June 1, 2020.

s/ Rosanna Malouf Peterson
 ROSANNA MALOUF PETERSON
 United States District Judge